IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION.

Civil Application No. 1385/2006.
IN
Second Appeal St. No.21116/03.

Smt.Jaymala Sharadbabu Vairagar. Applicants.

Vs.

The Bombay Diocesan Trust. ..Respondents.

A.M.Joshi, Advocate for the Applicants.

CORAM: S.B.DESHMUKH,J.
DATED: 07.09.2006.

P.C.:-

1] Heard the learned Advocate for the Applicant. By this Civil Application, the learned Advocate for the Applicant seeks deletion of some of the Respondents and substitution of legal heirs of some of the Respondents.

2] The Applicants submit that the Respondent No.2-A namely Smt.Malanbai Shankar Vairagar died and her legal heirs are already brought on record. The source of knowledge of death of said Malanbai is the report of process server. The Applicants, therefore, seek deletion of Respondent no.2-A i.e. Smt.Malanbai Shankar. Same is the case with

Respondent No.3 Vasant Shankar, who according to the Applicants died without leaving heir to succeed him. The Applicants have also prayed for deletion of Respondent No.7, since the Applicants themselves are the legal heirs of said Respondent no.7 i.e. Sharad Shankar Vairagar. According to the Applicants, Respondent no.4 Madhukar Shankar Vairagar is reported to be dead by the Process Server. According to the Applicant, Respondent No.7 Sharad Shankar Vairagar died and his legal heirs are the Applicants. Respondent No. 8A is also ought to be deleted since his other legal heirs are already on record. Applicants also seek deletion of Respondent No.12B as well as Respondent Nos.14,15 and 16. In this view of the matter, at the risk and request of the Applicants deletion of Respondent No.2A Smt.Malanbai Shankar Vairagar, Respondent No.3 Vasant Shankar Vairagar, Respondent No.7 Sharad Shankar Vairagar, Respondent No.8A Banubai Laxman Baraskar, Respondent No. 12B (b) Dropadabai, Respondent No.14 Shri.Rambhau Mahadev Shankhpale and Respondent No.15 Shankar Narsing Dhonde and Respondent No.16 Shri. Karamsingh are permitted to be deleted.

Such deletion to be made within a period of two weeks from today.

3] The learned Counsel for the Applicants also seek substitution of legal heirs of various Respondents. It appears from the Application that this substitution is prayed after stipulated period of limitation. Therefore, I am inclined to issue Notices to proposed legal heirs of the respective Respondents. It is, therefore, directed to issue Notices to legal heirs of Respondent No.2-B Smt.Alkabai Raje on the address given in clause (g) legal heirs of Respondent No. 2-D Smt.Kamal Shekatkar on the address given in clause (h), legal heirs of Respondent No.4 Madhukar Vairagar as shown in clause (j), legal heirs of Respondent No.5 as shown in clause (a) legal heirs of Respondent No.11 as shown in clause No. (n) such notices are made returnable within a period of five weeks. This Application is also allowed in terms of prayer clause 2(b), 2(c), 2(e), 2(f).

Publication is allowed. To be published through Daily Prabhat Pune. The Applicants are directed to deposit substantial amount to

the satisfaction of the Registry of this Court

within two weeks from today.

4] Civil Application is accordingly allowed

in the above terms and disposed of.

5] Notices to be issued are made returnable

within four weeks.

[S.B.DESHMUKH,J.]